THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 5252 of 2006

DATED: 18-03-2006

Between:

Uppu Srinivas …Petitioner

and

The Joint Collector,

Nizamabad District and another … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION NO. 5252 of 2006

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ORDER:

Petitioner questions the action of the respondents in suspending his fair price shop dealership and not releasing the stocks to his fair price shop situated at Kamsanpally village, Basheerabad Mandal, Ranga Reddy District as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

It is the case of the petitioner that he is a fair price shop dealer of shop No.4 of Pitlam village and Mandal, Nizamabad District. His dealership has been suspended by the impugned order dated 12-01-2006 in order No.E1/147/2006 by the Revenue Divisional Officer, Bodhan. It is stated that as against the said order, petitioner filed

an appeal before the Joint Collector, Nizamabad on 20-01-2006 along with application for grant of stay. But the appellate authority has not considered and disposed the stay application. The dealership of the petitioner has been suspended on the ground that a criminal case registered in F.I.R.No.145 of 2005 for the offence punishable under Section 63 read with 51 (A) of the copyright Act, 1957 is pending against the petitioner. It is stated that the said criminal case was registered against the petitioner only with *malafide* intention and he was falsely implicated in the said case without any justification whatsoever. It is stated that the said case has nothing to do with the Essential Commodities Act and the provisions of the Act and therefore, suspending the dealership of the petitioner is illegal and unsustainable.

I am not inclined to express any opinion on the merits of the case as an appeal is pending before the first respondent. In view of the peculiar facts and circumstances of the case and as the appeal filed by the petitioner before the first respondent is pending, the impugned suspension order of the second respondent is stayed pending disposal of the appeal and the first respondent is directed to consider and dispose the appeal after giving reasonable opportunity to the petitioner in accordance with law. Without reference to the pendency of the appeal, it is open to the second respondent to complete the enquiry and pass appropriate orders after giving reasonable opportunity to the petitioner.

The writ petition is accordingly disposed of as indicated above.

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V. ESWARAIAH, J.

Dated: 18-03-2006

NOTE:

Furnish C.C. of the order in two days.

(B/O)

Rns